

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PRESERVE OUR ISLANDS, a Washington  
Non-profit Corporation; PEOPLE FOR  
PUGET SOUND, a Washington Non-profit  
Corporation; WASHINGTON  
ENVIRONMENTAL COUNCIL, a  
Washington Non-profit Corporation;

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS, et  
al

Defendants,

and

NORTHWEST AGGREGATES  
COMPANY,

Defendant-Intervenors.

NO. C08-1353-RSM

DECLARATION OF  
AMY CAREY IN SUPPORT OF  
PLAINTIFFS' MOTION FOR FEES  
AND EXPENSES

I, AMY CAREY, declare as follows:

1. I am the president of plaintiff Preserve Our Islands ("POI") and am  
competent to testify in this matter. This declaration is offered in support of plaintiffs'

DECLARATION OF AMY CAREY  
(C08-1353-RSM)- 1

GENDLER & MANN, LLP  
1424 Fourth Avenue, Suite 1015  
Seattle, WA 98101  
Phone: (206) 621-8868  
Fax: (206) 621-0512

1 motion for attorneys fees and expenses pursuant to the Equal Access to Justice Act, 28  
2 U.S.C. §2412. The information in this declaration is based on my personal knowledge.

3 2. Preserve Our Islands is a qualified "party" pursuant to 28 U.S.C.  
4 §2412(d)(2)(B). POI is a federal 501(c)(3) tax exempt organization. POI also has a net  
5 worth of less than \$7,000,000 and employee less than 500 people.  
6

7 3. As we prepared to move forward with this litigation, we recognized that we  
8 would need attorneys with exceptional legal skills, experience and knowledge of both  
9 NEPA and the ESA in order to prevail. We recognized also that due to the extensive  
10 administrative record spanning several years that we would need somebody with a solid  
11 understanding of the history and facts and the ability to efficiently review and understand  
12 the record. While I talked to the Seattle office of the non-profit law firm EarthJustice  
13 about representing us, because of their already extensive workload they were unwilling to  
14 take on the case due to its complex nature and extensive record. Because of his extensive  
15 experience and solid legal reputation local community we retained David Mann of Gendler  
16 & Mann, LLP, to represent us. I believe Mr. Mann is one of the only local Seattle area  
17 attorneys that was both qualified and willing to handle this complex matter for us.  
18  
19

20 4. I understand that the base rate for attorneys' fees under EAJA is \$125 per  
21 hour. I do not believe it is possible to find a local attorney in the Seattle area with the  
22 necessary skills and experience to handle litigation like this case at anywhere near that rate.

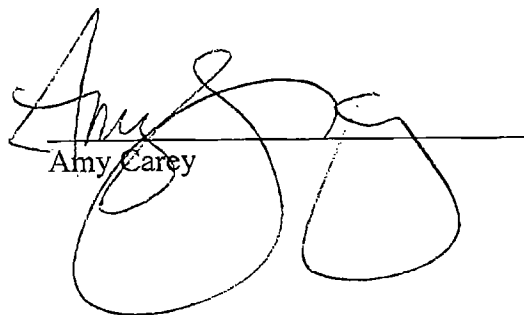
23 I declare under penalty of perjury under the laws of the State of Washington that  
24 the foregoing is true and correct.  
25  
26  
27  
28

DECLARATION OF AMY CAREY  
(C08-1353-RSM)- 2

GENDLER & MANN, LLP  
1424 Fourth Avenue, Suite 1015  
Seattle, WA 98101  
Phone: (206) 621-8868  
Fax: (206) 621-0512

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated this 9<sup>th</sup> day of September, 2009, in Vashon, Washington.

  
Amy Carey

DECLARATION OF AMY CAREY  
(C08-1353-RSM)- 3

GENDLER & MANN, LLP  
1424 Fourth Avenue, Suite 1015  
Seattle, WA 98101  
Phone: (206) 621-8868  
Fax: (206) 621-0512